

GENERAL PERMIT NO. 02MA FOR DISCHARGES FROM MARINAS

Effective Date: January 3, 2002

Expiration Date: January 2, 2007

Part I. Applicability.

A. Geographic Coverage. This permit covers marinas engaging in boat maintenance activities, or other facilities specializing in boat maintenance, which have wastewater or storm water discharges to surface or ground waters within the territorial boundaries of the State of Maryland.

B. Eligible Discharges. This permit covers the following discharges from marinas and other boat maintenance facilities:

1. Storm water runoff to surface or ground waters from areas involved in boat maintenance (including boat rehabilitation, mechanical repairs, painting, and fueling) and boat or equipment cleaning operations;
2. Wastewater discharges to surface or ground waters from washing of boats and boat equipment;
3. Noncontact cooling water and condensate discharges to surface or ground waters from ice machines, refrigeration units, and other machinery; and
4. Wastewater to surface waters of treated (i.e. for oil) bilge water.

C. Ineligible Discharges. The following discharges are not covered under this general permit:

1. Storm water discharges that have shown, or may reasonably be expected, to be contributing to a violation of a water quality standard;
2. Storm water discharges covered under a State/NPDES permit which has been terminated or denied, or for which the Department requires an individual permit or an alternative general permit;
3. Sanitary wastewater discharges; and
4. Untreated bilge water.

D. No Permit Required. Facilities discharging only storm water and not allowing boat cleaning or maintenance do not require a permit.

E. Individual Permit Required

1. The Department may require any person authorized by this permit to apply for and obtain an individual State or State /NPDES discharge permit. If an owner or operator fails to submit, in a timely

manner, an application for an individual State or State /NPDES discharge permit as required by the Department under this condition, the applicability of this permit to the owner or operator is automatically terminated at the end of the day specified by the Department for submittal of the application.

2. Any person authorized by this permit may request to be excluded from coverage under this permit by applying for an individual State or State/NPDES discharge permit. The request may be granted by issuing an individual State or State/NPDES discharge permit if the reasons cited by the owner or operator are adequate to support the request.

3. When an individual State or State/NPDES discharge permit is issued to a person for the discharge registered under this permit, the applicability of this permit to the permittee is automatically terminated on the effective date of the individual State or State/NPDES discharge permit.

4. If there is evidence indicating potential or realized impacts on water quality due to any activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual State or State/NPDES discharge permit or coverage under another general permit.

5. If a person otherwise covered under this permit is denied an individual State or State/NPDES discharge permit, the denial automatically terminates, on the date of the denial, the person's coverage under this general permit on the same day, unless otherwise specified by the Department.

6. The Department may terminate coverage under this general permit for an existing permittee if the Department finds that:

- a. The NOI contained false or inaccurate information;
- b. Conditions or requirements of the discharge permit have been or are about to be violated;
- c. Substantial deviation from plans, specifications or requirements has occurred;
- d. The Department has been refused entry to the premises for an inspection to insure compliance with the conditions of the discharge permit.
- e. A change in conditions exists that requires temporary or permanent reduction or elimination of the permitted discharge;
- f. Any State or federal water quality stream standard or effluent standard has been or is threatened to be violated; or
- g. Any other good cause exists for denying coverage under this permit.

F. Authorization. To be authorized to discharge under this general permit, a person is required to submit an NOI and pay the required fee in accordance with the requirements of Part III of this permit, and to comply with the terms and conditions of this permit. Coverage under this permit is effective on the date that the NOI is accepted by the Department and the fee is paid to the Department in accordance with the terms stipulated below. A person who submits such an NOI, is notified of its acceptance by the Department, complies with the terms and conditions of this permit, and pays the required fee is authorized to discharge under the terms and conditions of this permit.

If the permit fee is paid by check that is mailed to the Department, the fee is considered paid on the date of mailing. If the fee is paid to the Department in any other manner than by mailing a check, the fee is

considered paid on the date the Department receives the payment. If a check does not clear for any reason, the person will be given 30 calendar days to make proper payment including any interest and other charges that are due. If payment is not made within this time, coverage under this permit shall be considered void from the outset. The permittee should save the canceled check, a copy of the completed NOI, and the registration letter from the Department. These documents shall be provided to the Department on request.

G. *Transfer of Authorization.* The Authorization under this general permit is not transferable to any person.

H. *Continuation of an Expired General Permit.* An expired general permit continues in force and effect until a new general permit is issued or the general permit is revoked or withdrawn. Only those permittees authorized to discharge prior to the expiration of the general permit are covered by the continued permit.

Part II. Definitions.

A. *"Best management practices (BMP)"* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of this State. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

B. *"Bypass"* means the intentional diversion of wastes from any portion of a treatment facility.

C. *"CFR"* means Code of Federal Regulations.

D. *"COMAR"* means Code of Maryland Regulations.

E. *"Department"* means the Maryland Department of the Environment.

F. *"Estimated"* flow means a calculated volume or discharge rate that is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.

G. *"Federal Clean Water Act"* means the federal Water Pollution Control Act Amendments of 1972, its amendments and all rules and regulations adopted thereunder.

H. *"General permit"* means a discharge permit issued for a class of dischargers.

I. *"Grab sample"* means an individual sample collected in less than 15 minutes. Grab samples for pH shall be analyzed within 15 minutes of sample collection.

J. *"Ground water"* means underground water in a zone of saturation.

K. *"I-S"* means immersion stabilization, a calibrated device immersed in the effluent stream until the reading is stabilized.

L. *"Includes" or "including"* means includes or including by way of illustration and not by way of limitation.

M. *"Measured flow"* means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

N. *"Marina"* means a facility (under SIC code 4493) that rents boat slips and stores boats and generally

performs other services, including cleaning and incidental boat repair.

O. "NPDES permit" means a National Pollutant Discharge Elimination System permit issued under the federal Clean Water Act.

P. "NOI" means Notice of Intent to be covered by this permit (see Part III of this permit).

Q. "Oil and Grease" is the test method according to EPA Method 1664."

R. "Operator" means that person or those persons with responsibility for the management and performance of each facility.

S. "Permittee" means the person holding a permit issued by the Department.

T. "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind, and any partnership, firm, association, corporation, or other entity. Person includes the federal government, this State, any county, municipal corporation, or other political subdivision of this State or any of their units.

U. "State discharge permit" means the discharge permit issued under the Environment Article, Title 9, Subtitle 3, Annotated Code of Maryland.

V. "Surface waters" means all waters of this State which are not ground waters.

W. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

X. "Wastewater" means any:

1. Liquid waste substance derived from industrial, commercial, municipal, residential, agricultural, recreational, or other operations or establishments; and

2. Other liquid waste substance containing liquid, gaseous or solid matter and having characteristics which will pollute any waters of the State.

Y. "Waters of this State" includes:

1. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including that part of the Atlantic Ocean within the boundaries of this State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

2. The flood plain of free-flowing waters determined by the Department on the basis of the 100-year flood frequency.

Z. "97-SW-0001" means the latest edition of the general discharge permit for storm water associated with industrial activity.

Part III. Notice of Intent Requirements.

A. Deadlines for Notification. Any person who has current coverage under 97-SW-0001, and for whom the only discharge is storm water, is not obligated to obtain coverage under this general permit until November 30, 2002, the expiration date of 97-SW-0001. At least 60 days before coverage under 97-SW-0001 expires, a person shall submit an NOI requesting coverage under this general permit. At least 30 days prior to the commencement of any new nonstorm water discharge covered under this general permit, a person shall request coverage by submitting an NOI in accordance with the requirements of this Part. The Department may bring an enforcement action for failure to submit a NOI in a timely manner, or for any unauthorized discharges that occurred prior to obtaining coverage under this permit.

B. Notice of Intent. A person shall obtain the appropriate NOI form from the Department, and shall provide the following information: permittee name, address, and telephone number; facility location including address and latitude and longitude; receiving water body(s) for all outfalls or, if discharge is to a municipal storm drain, the name of the municipal storm sewer operator and the ultimate receiving water; for treated bilge water, cooling, and wash water, an estimate of the average daily flow for each outfall; and for persons currently covered by 97-SW-0001, their registration number.

C. Annual Permit Fee.

1. Persons who intend to obtain coverage under this general permit shall submit to the Department an NOI fee based on the total number of slips:

<u>Size in Slips</u>	<u>Permit Fee</u>
200 or more	\$500
100 or more but fewer than 200	\$400
50 or more but fewer than 100	\$300
10 or more but fewer than 50	\$200
fewer than 10	\$100

D. Required Signatures.

1. Certification. Any person signing an NOI shall make the following certification as part of the NOI.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

2. Signatories. The NOI shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a

principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(ii) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipal, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(i) The chief executive officer of the agency; or

(ii) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

3. Report Submission.

a. All reports required by permits, and other information requested by the Department shall be signed by a person described in Part III D.2 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in Part III D.2;

(ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company; and

(iii) The written authorization is submitted to the Department.

b. If an authorization under this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part III D.3 (a) must be submitted to the Department prior to or together with any reports, information or applications to be signed by an authorized representative.

E. Where to Submit. A person shall submit a signed copy of the NOI and the required fee, made payable to the Maryland Department of the Environment, to the following address:

Maryland Department of the Environment
P.O. Box 2057
Baltimore MD 21203-2057

F. Failure to Notify. Persons who engage in an activity covered under this permit, who fail to notify the Department of their intent to be covered under this permit, and who discharge to waters of this State without an individual State or State/NPDES discharge permit, are in violation of the federal Clean Water Act and of

the Environment Article, Annotated Code of Maryland, and may be subject to penalties.

G. Change in Discharge.

1. The permittee shall submit a new NOI and any required fee for anticipated facility expansions, production increases or decreases, additional or relocated outfalls, process modifications or any other factor which will result in an increased discharge of pollutants, the discharge of additional pollutants, or a new discharge point. Based on its evaluation of the NOI, the Department may:

- a. Continue to authorize the discharge under this general permit; or
- b. Require the permittee to apply for an individual State or State/NPDES discharge permit.

2. If any anticipated facility expansions, production increases or decreases, process modifications or any other change will not result in a violation of the effluent limitations specified in this permit, the permittee shall report the change to the Department in writing.

H. Permit Expiration and Renewal. Within 60 days of reissuance of this general permit with new effective and expiration dates, the permittee is required to submit to the Department either:

1. A notice that this discharge will cease by the expiration date of this permit; or
2. A new NOI and any fee in accordance with the requirements of the reissued general permit in order to be covered under the reissued general permit.

I. Flow Monitoring. In lieu of providing measured flow (defined in Part II.L.), the permittee may estimate flows and submit the following information with their discharge monitoring report in the first quarter of each calendar year:

1. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;
2. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided; and
3. a description of the factors (e.g. batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

Part IV. Special Conditions – Nonstorm Water Discharges. The permittee is authorized to discharge wastewater from boat washing, noncontact cooling water, condensate water, and treated bilge water to State waters in accordance with the following conditions:

A. Wash Water. The permittee shall consider reasonable measures, such as straw dam filters, geotextiles, settling basins, or sand filters to remove suspended solids. The measure or measures selected for implementation will be described in the Storm Water Pollution Prevention Plan, as described in Part V. Washing wastewater shall not be discharged to State waters if detergents or other chemical cleaning agents are used. The discharge of wastewater from the cleaning of engines or other oily parts is also prohibited.

B. Cooling Water. As specified below, all discharges of noncontact cooling water to surface waters of the State shall be limited and monitored by the permittee at each point of discharge. Discharge of noncontact cooling water to ground need not be monitored.

PARAMETER	QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow			Report	gpd	1/Month	Measured	
Total Residual Chlorine		7.5	13	ug/l	1/Month	Grab	(1)
Temperature			90	°F	1/Month	i-s	(2)

- (1) The minimum levels for reporting purposes are 0.10 mg/l. All results below this minimum level shall reported as <0.10 mg/l.
- (2) I-S means immersion- stabilization, as defined in Part II. K.

C. Condensate. The discharge of condensate is authorized but has no limitations or monitoring requirements unless it comes in contact with a petroleum product or causes erosion. Under such conditions, the discharge is prohibited.

D. Bilge Water Treatment System. As specified below, all treated bilge water from an onshore system discharged directly to surface waters of the State or discharged for reuse in the power wash system shall be limited and monitored by the permittee at each point of discharge.

PARAMETER	QUANTITY OR LOADING			QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow						Report	gpd	1/Month	Measured	
Oil & Grease						15	mg/l	1/Month	Grab	

Part V. Special Conditions – Storm Water Discharges.

A. Releases In Excess Of Reportable Quantities

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Except as provided in Part V, Section A.2 (multiple anticipated discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR part 117 or 40 CFR part 302, occurs during a 24-hour period:

a. The discharger is required to notify the Department of any oil spill or discharge of oil by calling its Emergency Response Division at (410) 974-3551 and notify the National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC metropolitan area, at (202) 426-2675 in accordance with the requirements of COMAR 26.10.01.03, 40 CFR part 117 and 40 CFR part 302 respectively as soon as he or she has knowledge of the discharge;

b. The permittee shall submit to the Department within 10 working days of knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with Part V, Section A.1.c (below) of this permit, and any other information as required by COMAR 26.10.01.03; and

c. The storm water pollution prevention plan required under Part V, Section B (storm water pollution prevention plans) of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Facilities which have **more than one anticipated discharge** per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR part 117 or 40 CFR part 302, which occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall comply with Part V, sections A.1.a, b, and c above, but must submit notifications only for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI).

3. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site **spill**.

B. Storm Water Pollution Prevention Plans - General The permittee shall develop a storm water pollution prevention plan for each facility covered by this permit. The storm water pollution prevention plan shall be prepared in accordance with sound engineering practices. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

1. In developing this plan, the permittee shall use as a reference "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA Document #EPA832-R-92-006) or, when it is available, an EPA-published summary document on the same subject. These documents can be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (phone: 703-605-6000). The permittee may also use the

2. The plan shall be signed in accordance with Part III, Section D.2 of this permit, and be retained on site in accordance with Part IX, Section A.2 of this permit. Plans for facilities in existence at the time of the issuance of this permit shall be completed within one year of obtaining coverage under this general permit or within one year of notification by the Department of the need for obtaining this discharge permit, whichever occurs first. Plans shall provide for compliance with the terms of the plan within 18 months of obtaining coverage under this general permit or within 18 months of notification by the Department of the need for obtaining this discharge permit, whichever occurs first. In the case of new facilities, the plan shall be completed and implemented prior to submitting an NOI to be covered under this permit. The permittee shall make plans available upon request to the Department, and in the case of a storm water discharge associated with industrial activity which discharges to a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

3. If the plan is reviewed by the Department, the Department may notify the permittee, at any time, that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification that the requested changes have been made and implemented. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.

4. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department as described above.

C. Storm Water Pollution Prevention Plan - Contents The plan shall include, at a minimum, the following items:

1. Pollution Prevention Team. The plan shall identify a specific individual or individuals within the facility organization as members of a storm water pollution prevention team who are responsible for developing the storm water pollution prevention plan and assisting the facility or facility manager in its implementation, maintenance, and revision. The plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's storm water pollution prevention plan.

2. Description of potential sources. The plan shall provide a description of potential sources that may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather to State waters. Each plan shall identify all activities and significant materials that may potentially be significant pollutant sources.

3. Drainage. A site map indicating an outline of the portions of the drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spills or leaks identified under Part V, Section C.5 (Spills and Leaks), have occurred, and the locations of the following activities where such activities are exposed to precipitation: fueling; engine maintenance and repair; vessel maintenance and repair; pressure washing; painting; sanding; blasting; welding; metal fabrication; loading/unloading areas; locations used for treatment, storage, or disposal of wastes; liquid storage tanks; liquid storage areas (i.e. paint, solvents, resins); and material storage areas (i.e. blasting media, aluminum, steel, scrap iron).

For each area of the facility that generates storm water discharges associated with industrial activity with

a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity must be included on the plan. Factors to consider include: the toxicity of the chemical; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants. Flows with significant potential for causing erosion shall be identified.

4. Inventory of Exposed Materials. An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored, or disposed in a manner to allow exposure to storm water at the facility from three years prior to the date of coverage under this permit to the present; method and location of onsite storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff at the facility from three years prior to the date of coverage under this permit to the present; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

5. Spills and Leaks: A list of significant spills and significant leaks of toxic or hazardous pollutants that occurred at areas that are exposed to precipitation or that otherwise drain to a storm water conveyance at the facility since three years prior to the date of coverage under this permit. Such list shall be updated as appropriate during the term of the permit.

6. Sampling Data. A summary of existing discharge sampling data describing pollutants in storm water discharges from the facility, including a summary of sampling data collected during the period of coverage under this permit.

7. Risk Identification and Summary of Potential Pollution Sources. A narrative description of the potential pollutant sources from the following activities, if applicable: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities (i.e., welding, metal fabricating); significant dust or particulate generating processes (i.e., abrasive blasting, sanding, painting); and onsite waste disposal practices. The description shall specifically list any significant potential source of pollutants at the site and for each potential source, any pollutant or pollutant parameter (e.g., biochemical oxygen demand, etc.) of concern shall be identified.

8. Measures and Controls. Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

a. Good Housekeeping. Good housekeeping requires areas which may contribute pollutants to storm water discharges to be maintained in a clean, orderly manner. The following areas must be specifically addressed, when applicable at a facility:

(i) Washing Area: The washing area shall be managed in accordance with Part IV, Section A of this permit. The pollution prevention plan must describe the measures used to collect or contain the discharge from the pressure washing area, detail the method for the removal of the visible solids, describe the method of disposal of the collected solids, and identify where the discharge will be released (i.e., the receiving waterbody, storm sewer system, sanitary sewer system).

(ii) Blasting and Painting Areas. The facility must consider containing all blasting and painting activities to prevent abrasives, paint chips, and overspray from reaching the receiving water or the storm sewer system. The plan must describe measures taken at the facility to prevent or minimize the

discharge of spent abrasive, paint chips, and paint into the receiving water and storm sewer system. The facility may consider hanging plastic barriers or tarpaulins during blasting or painting operations to contain debris. Where required, a schedule for cleaning storm systems to remove deposits of abrasive blasting debris and paint chips should be addressed within the plan. The plan should include any standard operating practices with regard to blasting and painting activities. Such included items may be the prohibition of performing uncontained blasting and painting over open water or blasting and painting during windy conditions which can render containment ineffective.

(iii) Material Storage Areas. All stored and containerized materials (fuels, paints, solvents, waste oil, antifreeze, batteries) must be plainly labeled and stored in a protected, secure location away from drains. The plan must describe measures that prevent or minimize contamination of the storm water runoff from such storage areas. The facility must specify which materials are stored indoors and consider containment or enclosure for materials that are stored outdoors. Above-ground storage tanks, drums, and barrels permanently stored outside must be delineated on the site map with a description of the containment measures in place to prevent leaks and spills. The facility must consider implementing an inventory control plan to prevent excessive purchasing, storage, and handling of potentially hazardous materials. Those facilities where abrasive blasting is performed must specifically include a discussion on the storage and disposal of spent abrasive materials generated at the facility.

(iv) Engine Maintenance and Repair Areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from all areas used for engine maintenance and repair. The facility may consider performing all maintenance activities indoors, maintaining an organized inventory of materials used in the shop, draining all parts of fluids prior to disposal, prohibiting the practice of hosing down the shop floor, using dry cleanup methods, and/or collecting the storm water runoff from the maintenance area and providing treatment or recycling.

(v) Material Handling Areas. The plan must describe measures that prevent or minimize contamination of the storm water runoff from material handling operations and areas (i.e., fueling, paint and solvent mixing, disposal of process wastewater streams from vessels). The facility may consider covering fueling areas; using spill and overflow protection; mixing paints and solvents in a designated area, preferably indoors or under a roof; and minimizing runoff of storm water to material handling areas. Where applicable, the plan must address the replacement or repair of leaking connections, valves, pipes, hoses, and soil chutes carrying wastewater from vessels.

(vi) General Yard Area. The plan must include a schedule for routine yard maintenance and cleanup. Scrap metal, wood, plastic, miscellaneous trash, paper, glass, industrial scrap, insulation, welding rods, packaging, etc., must be routinely removed from the general yard area. The facility may consider such measures as providing covered trash receptacles in each yard, on each pier, and on board each vessel being repaired.

b. Preventative Maintenance. A preventative maintenance program shall involve timely inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators and sediment traps to ensure that oil, spent abrasives, paint chips, and solids will be intercepted and retained prior to entering the storm drainage system) as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems.

c. Spill Prevention and Response Procedures. Areas where potential spills, which can contribute pollutants to storm water discharges, can occur, and their accompanying drainage points, shall be identified clearly in the storm water pollution prevention plan. Where appropriate, the facility should consider specifying in the plan material handling procedures, storage requirements, and use of equipment such as diversion valves. Procedures for cleaning up spills shall be identified in the plan

and made available to appropriate personnel. The necessary equipment to implement a cleanup should be available to personnel.

d. Inspections. Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility on a monthly basis. The following areas shall be included in all inspections: pressure washing area; blasting, sanding, and painting areas; material storage areas; engine maintenance and repair areas; material handling areas; bilge water treatment areas and general yard area. A set of tracking or follow-up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of the inspections shall be maintained.

9. Employee Training. Employee training programs shall inform personnel, responsible for implementing activities identified in the storm water pollution prevention plan or otherwise responsible at all levels for storm water management, of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. The pollution prevention plan shall identify how often training will take place, but in all cases training must be held at least twice per calendar year. Employee training must, at a minimum, address the following areas when applicable to a facility: used oil management; spent solvent management; proper disposal of spent abrasives; proper disposal of vessel wastewaters; spill prevention and control; fueling procedures; general good housekeeping practices; proper painting and blasting procedures; and used battery management. Employees, independent contractors, and customers must be informed about the BMP and be required to perform in accordance with these practices. The facility must consider posting instructions, easy-to-read descriptions or graphic depictions of the BMP, spill control/cleanup equipment, and emergency phone numbers in the work areas.

10. Record-keeping and Internal Reporting Procedures. A description of incidents (such as spills or other discharges), along with other information describing the quality and quantity of storm water discharges, shall be included in the plan required under this part. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.

11. Non-Storm Water Discharges. The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges, other than those authorized in Part I Section B of this permit or flows from fire fighting systems. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Certifications shall be signed in accordance with Part III Section D of this permit. Such certification shall not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the storm water pollution prevention plan shall indicate why the certification required by this part was not feasible, along with the identification of potential significant sources of non-storm water at the site. A discharger that is unable to provide the certification required by this paragraph must notify the Director. Non-storm water discharges to waters of the State that are not authorized by an NPDES permit are unlawful, and must be terminated.

12. Sediment and Erosion Control. The plan shall identify areas that, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm

water discharges from the site. The plan, which shall provide those measures the permittee determines to be reasonable and appropriate, shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity [see Part V Section C.2 of this permit (Description of Potential Pollutant Sources)] shall be considered when determining reasonable and appropriate measures. Appropriate measures may include vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

13. Comprehensive Site Compliance Evaluation. A site inspection shall be conducted annually by appropriate responsible personnel to verify that the description of potential pollutant sources required under Part V Section C.2 is accurate, the drainage map has been updated to reflect current conditions, and the controls to reduce pollutants identified in the storm water pollution prevention plan are being implemented and are adequate. Records documenting significant observations made during the site inspection shall be retained as part of the storm water pollution prevention plan for three years.

14. Consistency with Other Plans. Storm water management programs may include requirements for a Spill Prevention Control and Countermeasure (PCC) plan under Section 311 of the Clean Water Act or a BMP plan otherwise required by an NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

15. Special Requirements for Storm Water Discharges Associated with Industrial Activity to Municipal Separate Storm Sewer Systems that are permitted by the Department. Facilities covered by this permit shall comply with applicable requirements in municipal storm water management programs developed under State/NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions. These facilities shall make storm water pollution prevention plans available to the municipal operator of the system upon request.

16. Salt Storage at Facilities Located on Fresh Water. For facilities located along fresh waters of the State, storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation. For the purposes of this condition, the boundaries between fresh and brackish/salt tidal waters shall be as defined in COMAR 26.08.02.03-1B.

Part V. Monitoring and Reporting. (for cooling water or treated bilgewater)

A. Representative Sampling. Required samples and measurements shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods. Where effluent authorized by this general permit mingles with other wastewaters or waters, the time and place of sampling shall be chosen to uniquely represent the effluent authorized by this permit.

B. Sampling and Analytical Methods. The sampling and analytical methods used shall conform to procedures for the analysis of pollutants as identified in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

C. Data Recording Requirements. For each measurement or sample taken to satisfy the requirements of this permit, the permittee shall record the following information:

1. The exact place, date, and time of sampling or measurement;
2. The person(s) who performed the sampling or measurement;

3. The dates and times the analyses were performed;
4. The person(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of all required analyses.

D. Monitoring Equipment Maintenance. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

E. Additional Monitoring by Permittee. If the permittee monitors any pollutant more frequently than required by this permit, the permittee shall use approved analytical methods as specified in Section B above, and shall report the results of such monitoring, including the increased frequency, in the calculation and reporting of the values as required in Section F below.

F. Reporting Monitoring Results.

1. All monitoring results obtained by the permittee during each calendar quarter shall be summarized on a Discharge Monitoring Report form (EPA No. 3320-1). Results shall be submitted to the Department, postmarked no later than the 28th day of the month following the end of each calendar quarter, at the address below:

Maryland Department of the Environment
Water Management Administration
Compliance Program, Suite 425
1800 Washington Blvd.
Baltimore MD 21230

2. All reports required by permits, and other information requested by the Department shall be signed by a person described in Part III.E.2 or by a duly authorized representative of that person as described in Part III.E.3.

G. Records Retention. All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation, shall be retained for a minimum of three years. This period shall be extended automatically during the course of litigation, or when requested by the Department.

H. Noncompliance with Discharge Limits. The discharge of any pollutant identified in this permit at a level in excess of the level authorized shall constitute a violation of the terms and conditions of this permit. The permittee shall take all reasonable steps to minimize or prevent any adverse impact to the waters of this State or to human health from noncompliance with any effluent limitations specified in this permit.

Part VI. Facility Operation and Maintenance.

A. Facility Operation. The permittee shall maintain in good working order and efficiently operate all systems used or installed and all treatment and control facilities.

B. Bypasses. Any bypass of treatment facilities needed to maintain compliance with the terms and

conditions of this permit is prohibited unless:

1. The bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;
2. There are no feasible alternatives;
3. Except under emergency conditions, the permittee notifies the Department ten calendar days in advance of the date of the anticipated bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days;
4. Under emergency conditions, the permittee notifies the Department within 24 hours of becoming aware of the bypass. If the notification is given orally, the permittee shall follow the oral notification with written notification to the Department within five calendar days of the oral notification; and
5. The bypass is allowed by the Department under conditions determined by the Department to be necessary to minimize adverse effects.

C. Demonstration of an Upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
2. The permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
3. The permittee submitted notification of upset within 24 hours. If the notification was given orally, the permittee submitted written notification to the Department within five calendar days following the oral notification; and
4. The permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and
5. The permittee complied with any remedial measures required to minimize adverse impact.

D. Power Failure. In order to maintain compliance with the terms and conditions of this permit, the permittee shall:

1. Provide an alternative power source sufficient to operate the wastewater collection and treatment facilities; or
2. Halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

Part VII. Violation of Permit Conditions.

A. Compliance with This General Permit and Water Pollution Abatement Statutes. The permittee shall comply at all times with the terms and conditions of this permit, the provisions of the Title 7, Subtitle 2, and Title 9, Subtitles 2 and 3 of the Environment Article, Annotated Code of Maryland, and the federal Clean Water Act.

B. Civil and Criminal Liability. In issuing or reissuing this permit, the Department does not waive or surrender any right to proceed in an administrative, civil, or criminal action for any violations of State law or regulations occurring before the issuance or reissuance of this permit. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any civil or criminal responsibilities, liabilities, or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local or other State law or regulation.

C. Civil Penalties for Violations of Permit Conditions. In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the federal Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a civil penalty not to exceed \$27,500 per day for each violation.

D. Criminal Penalties for Violations of Permit Conditions. In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the federal Clean Water Act provides that:

1. Any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a fine of not less than \$2,500 nor more than \$27,500 per day of violation, or by imprisonment for not more than one (1) year, or by both.

2. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.

3. Any person who knowingly violates Section 301, 302, 306, 307, 308, 318, or 405 of the federal Clean Water Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the federal Clean Water Act, or in a permit issued under Section 404 of the federal Clean Water Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than fifteen (15) years, or both. A person who is an organization shall, upon conviction of violating this paragraph, be subject to a fine of not more than \$1,000,000.

E. Penalties for Falsification and Tampering. The Environment Article, Section 9-343, Annotated Code of Maryland, provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. The federal Clean Water Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act, or who knowingly makes any false statement, representation, or certification in any records or other documents submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both.

Part VIII. General Conditions.

A. Right of Entry. The permittee shall permit the Secretary of the Department, the Regional Administrator for the EPA, or their authorized representatives, upon the presentation of credentials:

1. To enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;
2. To access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;
3. To inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;
4. To inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit;
5. To sample, at reasonable times, any discharge of pollutants;
6. To install ground water monitoring wells; and
7. To take photographs.

B. Property Rights/Compliance with Other Requirements. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State or local laws or regulations.

C. Duty to Provide Information. The permittee shall furnish to the Department, within the time frame stipulated by the Department, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

D. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, he or she shall submit, within 30 calendar days, the facts or information.

E. Availability of Reports. Except for data determined to be confidential under the Maryland Public Information Act, and 40 CFR § 123.25, all submitted data shall be available for public inspection at the Department.

F. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions for toxic pollutants established under the federal Clean Water Act, or under Section 9-314 and Sections 9-322 to 9-328 of the Environment Article, Annotated Code of Maryland. Compliance shall be achieved within the time provided in the regulations that establish these standards or prohibitions, even if.

G. Oil and Hazardous Substances Prohibited. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act or under the Annotated Code of Maryland.

H. Water Construction and Obstruction. This permit does not authorize the construction or placing of physical structures, facilities, or debris or the undertaking of related activities in any waters of the State.

I. Severability. The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

Part IX. Authority to Issue General NPDES Permits.

On September 5, 1974, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters under Section 402 of the federal Clean Water Act, 33 U.S.C. Section 1342.

On September 30, 1990, the Administrator of the EPA approved the proposal submitted by the State of Maryland for the operation of a general permit program.

Under the approvals described above, this general discharge permit is both a State of Maryland general discharge permit and an NPDES general discharge permit.

Robert M. Summers, Director
Water Management Administration